

- 22 -

NJD 001 340 686

IX. APPENDIX

PENALTY COMPUTATION WORKSHEET

Company Name: Daniel Products CompanyRegulation Violated 9.8, 9.10

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm:

9.8 9.10
MOD/MID MIN

2. Extent of Deviation:

MID MIN

3. Matrix Cell Range:

7999/5000 1499/500

Penalty Amount Chosen:

6000 250Justification for Penalty
Amount Chosen:MID level

4. Per-Day Assessment:

6250Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	_____	_____
2. Degree of willfulness and/or negligence:	_____	_____
3. History of noncompliance:	_____	_____
4. Other unique factors:	_____	_____
5. Justification for Adjustments:	_____	_____

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

PENALTY COMPUTATION WORKSHEET (cont.)

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):	_____
7. Number of Days of Violation:	_____
8. Multi-day Penalty (Number of days x Line 6, Part II):	_____
9. Economic Benefit of Noncompliance:	_____
Justification:	_____
10. Total (Lines 8 + 9, Part II):	_____
11. Ability to Pay Adjustment:	_____
Justification for Adjustment:	_____
12. Total Penalty Amount (must not exceed \$25,000 per day of violation):	<u>6250</u>

**DANIEL PRODUCTS COMPANY**

an affiliate of the SYNRES group of companies

400 Claremont Avenue, Jersey City, New Jersey 07304



JUN 9 1982

Praschak
file
3F

June 4, 1982

Mr. Andrew L. Praschak
Attorney
General Enforcement Branch
Enforcement Division
United States Environmental Protection Agency
Region II
26 Federal Plaza
New York, N. Y. 10278

Gentlemen:

Re: Compliance with Title 40 CFR, Part 265
"Interim Status Standards".

EPA Identification Number: NYD 001340686

Facility Location: Jersey City, N. J.

Date of Your Inspection Report: April 7, 1982

Date Report Received: April 12, 1982

Your Inspection report informed us of violations of several subparts
of 40 CFR 265, to which we now wish to respond, as follows:

- Re: 40 CFR, 265.15 - A written schedule of inspections has been instituted. Records of inspections are being kept in a log.
- Re: 40 CFR, 265.16(d) - Written documentation has been established pertaining to facility training of personnel.
- Re: 40 CFR, 265.51 - A written Contingency Plan was finalized; copy of which is herewith attached.
- Re: 40 CFR, 265.52 - Complied with as part of 265.51.
- Re: 40 CFR, 265.53 - Complied with as part of 265.51.
- Re: 40 CFR, 265.112 - A written Closure/Post Closure Plan was finalized; copy of which is herewith attached.
- Re: 40 CFR, 265.118 - Complied with as part of 265.112.
- Re: 40 CFR, 265.142 - Complied with as part of 265.112.

Very truly yours,

Klaus Meinssen, Vice President
Administration

KM:ab

CC: A. Nevin
D. Kelemen
Finished Goods Warehouse
B. Bivins

DISPERSIONS & SPECIALTY ADDITIVES

DANIEL PRODUCTS COMPANY



Division of SYNRES CHEMICAL CORP.

400 Claremont Avenue, Jersey City, New Jersey 07304

APR 22 1985

Chojnowski
RCRA-85-0105

April 17, 1985

Ms. Kathleen Chojnowski,
Legal Assistant
Waste & Toxic Substances Branch
U. S. Environmental Protection Agency
Region 11, 26 Federal Plaza
New York, New York 10278

RE: Docket No: II RCRA-85-0105
EPA ID. NO. NJD001340686

Dear Madam:

We wish to acknowledge receipt of your Complaint, Compliance Order and Notice of Opportunity for Hearing dated 29 March 1985, which informs us that Daniel Products Company is in violation of N.J.A.C. 7:26-9.8 and 7:26-9.10. You gave as reason that Daniel Products Company did not provide sufficient information to meet the requirements of N.J.A.C. 7:26-9.8 and 7:26-9.10.

This letter is to inform you that in order to comply with your "Compliance Order", Daniel Products Company herewith resubmits a Closure Plan, which we believe will meet the requirements of N.J.A.C. 7:27-9.8. This resubmitted plan took into account the deficiencies outlined in your Exhibit A. Daniel Products Company also resubmits a Cost Estimate, attached as well, which we believe will meet the requirements of N.J.A.C. 7:26-9.10.

In response to your Complaint for non-compliance, Daniel Products Company wishes to state that its submission, February 14, 1985, of information to meet N.J.A.C. 7:26-9.8 and 7:26-9.10 was done in the belief that it would fully meet the requirements. Daniel Products Company believed that its Closure/Post Closure Plan dated June 3, 1982, and submitted at that time to your office, attention of Mr. Andrew L. Prasadrak, was still meeting the requirement of N.J.A.C. 7:26-9.8 inasmuch as its submitted information had not been questioned by the EPA.

Daniel Products Company wishes to emphasize, that it is only a generator of hazardous waste, which necessitates storing, but is not perse a disposer of hazardous waste. Instead its generated waste is removed at intervals for final disposal at EPA certified disposal sites.

Ms. Kathleen Chojnowski
April 17, 1985
Page 2

We attempted to contact you during this week to request an informal settlement conference and to set up a date at which we can meet with you. When we learned of your absence from your Mr. Bruce Adler, and because of the time limitation at hand, we decided instead to submit this letter and enclosed documents and, at the same time, request an informal settlement conference date for sometime after May 15, 1985, after I have returned from a two week vacation. I will, therefore, be contacting you on May 15 to set up a date and time which is convenient to you.

Daniel Products Company herewith likes to request that the EPA consider rescinding the proposed assessed penalites for the violation of N.J.A.C. 7:26-9.8 and 7:26-9.10. Our submission, February 14, 1985, of information to meet N.J.A.C. 7:26-9.9 and 7:26-9.10 was done in good faith and in the belief that it fulfilled the requirements. No attempt was made at withholding or providing insufficient information.

Sincerely yours,

DANIEL PRODUCTS COMPANY



KLAUS MEINSEN
Vice President, Administration

KM/ml1
Encls.
Certified Mail
Return, Receipt, Requested

cc: Regional Hearing Clerk
Air & Waste Management Division
Environmental Protection Agency
Region II, 26 Federal Plaza
New York, New York 10278

Mr. Gerard Burke
Office of Regulatory Services
N.J. Dept. of Environmental Protection